/THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 495 OF 2007

DATED: 05-01-2007

Between:

Tayanna, S/o. Late Gorla Beemanna
and five others

… Petitioners

And

Government of Andhra Pradesh,
Rep. By its Principal Secretary to Government,
Revenue (L.A.) Department,
Secretariat, Hyderabad and
nine others

… Respondents

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WRIT PETITION NO. 495 OF 2007

ORDER:

Petitioners claimed to be the legal heirs of Gorla Beemanna, Gorla Hanumanna and Sawaranna, pattadars of certain extents of lands in Sy.No.461 of Anugonda village, Makthal Mandal, Mahaboobnagar District, whose lands were acquired under the provisions of the Land Acquisition Act, 1894(for short 'the Act'). A notification under Section 4(1) of the Act was issued on 10-03-2006; a draft declaration under Section 6 of the Act was published on 13-03-2006 and the award was passed on 18-09-2006. Petitioners allege that though Beemanna, Hanumanna and Sawaranna had passed away in the year 1997, notifications under Sections 4(1) and 6 of the Act and subsequent processes, reflected only the names of these demised persons, but not their names despite they being the legal heirs of the deceased pattadars.

At the stage of admission, Sri M. Subrahmanyam, the learned

counsel for the petitioners states that notwithstanding the demise of the pattadars in the year 1997, no steps were taken by the legal heirs (the petitioners) to get their names mutated in the concerned revenue records. The petitioners contend that notices were served neither on the deceased pattadars nor on them. Since the petitioners have not come on record as legal successors of the deceased pattadars by mutation in the concerned revenue records or otherwise, it is not fair to implicate an obligation on the Land Acquisition Officer to have a premonition of all the pattadars and their descendants. The fact of the matter is that statutory declaration and a consequent public notification, not only in the official gazette but in the local newspapers as well, both for the notifications under Section 4(1) and the declaration under Section 6 of the Act have been issued. The petitioners who claim to be the legal heirs of the deceased pattadars have not taken steps to sensitize the Land Acquisition Officer as to their claims to the acquired property. Petitioners allege that some other persons have unauthorisedly claimed to be the legal heirs of the deceased pattadars or to being the owners of the property in question and have taken the compensation amount after having their names included in the award dated 18-09-2006.

Petitioners also allege that the Land Acquisition Officer has failed to verify whether the persons who claimed to be the pattadars are in fact the pattadars. Without verifying the identity, compensation was paid to unauthorized persons and thus they are deprived of the compensation amount, is the substantive grievance. In respect of such a grievance, the petitioners have a remedy available under Section 18 of the Act. The petitioners may pursue this remedy. Article 226 is not the appropriate form for adjudicating such disputes as to entitlement to compensation.

Writ petition is dismissed accordingly with a liberty to the petitioners to pursue the appropriate statutory remedies in accordance with law. There shall however be no order as to costs.

GODA RAGHURAM, J.

Dt: 05-01-2007
Rns